



# ADMINISTRATIVE MANUAL

<b>SUBJECT:</b> EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION Accommodations for Employees with Permanent and Temporary Disabilities	<i>Chapter:</i> 3
	<i>Section:</i> 3.3
<b>REFERENCES:</b> Section 503 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; and Chapter 213, RSMo 1992	<i>Page:</i> 1 of 5
	<i>Revised</i> 4-7-03

## ACCOMMODATIONS FOR EMPLOYEES WITH PERMANENT AND TEMPORARY DISABILITIES

### I. PURPOSE:

To define the Department's position on accommodation to employees with temporary disabilities and to provide consistency and continuity in granting reasonable accommodations required by the Americans with Disabilities Act of 1990 (ADA).

### II. SCOPE:

Departmentwide.

### III. DEPARTMENT POSITION:

The Department is committed to providing assistance and support to employees who have disabilities as defined by the ADA and other temporary disabilities to the extent practicable. Employees shall not be discriminated or retaliated against for exercising their rights under this policy.

### IV. DEFINITIONS:

**Disability:** An individual is considered to meet the legal definition of a disability when he/she has a physical or mental impairment which substantially limits a major life activity, has a record of such an impairment, or is regarded as having such an impairment.

**Temporary Disability:** These are disabilities of a limited duration that are not covered by the ADA (e.g., broken leg, pregnancy) but for which DHSS tries to accommodate the employee if possible.



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**Physical Impairment:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

**Mental Impairment:** Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

**Substantially Limits:** The ADA allows consideration of the following factors: the nature and severity of the impairment; how long the impairment will last or is expected to last; and the impairment's permanent or long-term impact or expected impact.

**Major Life Activity:** Examples: Walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself, working, sitting, standing, lifting, and reading.

**Qualified Individual:** An individual who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and who, with or without reasonable accommodation, can perform the essential functions of such position. The employer is not required to hire or retain an individual who is not qualified to perform the essential functions of a job.

**Reasonable Accommodation:** A modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. The employer is not required to provide a reasonable accommodation if it would impose an undue hardship on the operation of the business. The concept of undue hardship includes any action that is:

- unduly costly;
- extensive;
- substantial;
- disruptive; or
- that would fundamentally alter the nature or operation of the business.

Whether a particular accommodation will impose an undue hardship shall be determined on a case-by-case basis.

**Temporary Accommodation:** These are not covered by the ADA but DHSS tries to provide temporary accommodations to the extent practical.



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### V. IDENTIFICATION:

At the time of employment with the Department, each employee will be given a statement informing them of their rights to a reasonable accommodation. Any time during their tenure with the Department, an employee may identify themselves as having a disability by contacting the Office of Personnel (OP). Identification of a disability is voluntary *unless* a request for an accommodation is made.

### VI. REQUEST FOR REASONABLE ACCOMMODATION:

#### Employee Responsibility:

If an employee is in need of an accommodation to successfully perform the duties of their position, they must:

- Make the request through supervisory channels to the OP.
- Complete the "Work Adjustment/Accommodation Request" form (Attachment A) and "Medical Information for Work Adjustment/Accommodation Request" (Attachment B). Both forms must be submitted to the OP through normal supervisory channels. Medical information is confidential and will not be shared with anyone without a business-related need to know.
- Cooperate fully in the Department's efforts to identify the reasonable accommodation best suited to their needs.

#### Supervisor's Responsibility:

When a request is made to a supervisor, the supervisor is required to immediately:



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- Instruct the employee to submit the required forms for forwarding through supervisory channels to the OP.
- Include a cover memo with the supervisor's recommendation as to whether the accommodation can be made without undue hardship, and addressing how all the essential job functions will be covered.

Supervisors should only inquire about the request and/or the nature of the employee's condition to the extent necessary to comply with the provision of this policy.

Supervisors will work with the Office of Personnel in providing an accommodation and assessing the employee's performance.

### **VII. REQUEST FOR TEMPORARY ACCOMMODATION:**

#### **Employee Responsibility:**

If an employee is in need of a temporary accommodation to successfully perform the duties of their position, they must:

- Complete the "Work Adjustment/Accommodation Request" form (Attachment A) and "Medical Information for Adjustment/Accommodation Request" form (Attachment B) and submit to their supervisor.
- Cooperate fully in DHSS' efforts to identify ways to meet the employee's needs while also meeting the needs of the Department.

#### **Supervisor's Responsibility:**

- If the employee's request for a temporary accommodation is non-monetary and for two (2) weeks or less, the supervisor, in consultation with the applicable manager, may grant the temporary accommodation.



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- If the employee's request is for a limited duration exceeding two (2) weeks or involves a monetary expenditure, the aforementioned forms must be forwarded through supervisory channels to the OP. The supervisor must include a cover memo giving:
  - their recommendation of whether the temporary accommodation is practical;
  - how the duties the employee cannot perform will be covered, and;
  - what duties they propose the employee do during the period of temporary accommodation.

### VIII. AUXILIARY AIDS/EQUIPMENT/SERVICES:

The Department will furnish appropriate auxiliary aids, equipment, and services when needed (e.g., qualified interpreters, readers, Braille or large print materials, closed-captioned video programs, etc.) for training, meetings, interviews, conferences, hearings or public appearances.

Requests should be made through the OP, and the Division of Administration as needed.

### IX. TECHNICAL ASSISTANCE AND TRAINING:

Training and technical assistance relative to the ADA and reasonable accommodations is available through the OP as requested.

Prepared by:

Approved by:

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Chief, Office of Personnel

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Chief Operating Officer